IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 22434 of 2007(U)

PETITIONER:

SMT. LEELA ALIAS SHANTHA,
D/O.NARAYANA NAYAK, RESIDING AT MIYAPPADAVU,
MEENJA VILLAGE,
MANJESHWAR, KASARAGOD DISTRICT

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

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1. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
KASARAGODE.

3. THE ADDITIONAL TAHSILDAR,
KASARAGOD.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.22434 OF 2007

DATED THIS THE 20th DAY OF JULY, 2007

JUDGMENT

The petitioner is aggrieved by coercive proceedings for eviction under the Kerala Land Conservancy Act pursuant to Ext.P1. The petitioner's contention is that the petitioner has already filed Ext.P2 appeal before the 1st respondent and therefore the eviction pending appeal is unjustifiable.

2. I have heard the learned Government pleader also. I am satisfied that since the petitioner has already moved the Appellate Authority as provided under the Kerala Land Conservancy Act itself, it is only just that the 1st respondent passes orders on Ext.P2 before eviction of the petitioner.

3. Accordingly, I direct the 1st respondent to consider and pass orders on Ext.P2 appeal filed by the petitioner as expeditiously as possible, if the same has been received and is pending. Till such disposal of the appeal, the petitioner shall not be evicted from the property in question. The petitioner shall also be given an opportunity of being heard.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd